

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>ILDELFONSO CRUZ</b>	:	<b>CIVIL ACTION</b>
	:	
<b>v.</b>	:	
	:	
<b>PHILADELPHIA PRISON SYSTEM;</b>	:	
<b>WARDEN DELANEY; and MED. DEPT</b>	:	<b>No. 12-1268</b>
<b>HELEN</b>	:	

**ORDER**

AND NOW, this 24<sup>th</sup> day of March, 2015, upon consideration of plaintiff's complaint (paper no. 5), defendants' amended motion to dismiss (paper no. 12), and plaintiff's notice of his intent to proceed (paper no. 15), and for the reasons set forth in the accompanying memorandum, it is **ORDERED**:

1. Plaintiff's claim against "Med. Dept. Helen" is **DISMISSED WITHOUT PREJUDICE** to reassertion if plaintiff can amend his complaint to identify with specificity the defendant and how the defendant violated his constitutional rights. Fed.R.Civ.P. 8(a).
2. The amended motion to dismiss is **GRANTED**.
3. Plaintiff is given leave to file and serve an amended complaint stating a plausible claim against viable defendants under 42 U.S.C. § 1983 **on or before April 23, 2015**.
4. If an amended complaint is filed, defendants shall file and serve their responses in accordance with the Federal Rules of Civil Procedure and the Local Rules of this court.

/s/ Norma L. Shapiro

J.